



IN REPLY REFER TO:

## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

1011 E. Tudor Road  
Anchorage, Alaska 99503-6199



AFES/MMM

JAN 7 2009

Diane Sanzone, Ph.D.  
Senior Environmental Scientist  
BP Exploration (Alaska) Inc.  
900 East Benson Boulevard  
P.O. Box 196612  
Anchorage, Alaska 99519-6612

Dear Ms. Sanzone:

This responds to your November 4, 2008, request for Letters of Authorization (LOA) from the U.S. Fish and Wildlife Service (Service) for the incidental take of polar bears and Pacific walrus in regards to the BP Exploration (Alaska), Inc. (BPXA) activities in association with the 2009 Liberty Development Project. Enclosed is an LOA (09-01) that would allow BPXA to take small numbers of polar bears and walruses incidental to the bathymetry survey to be conducted during the 2009 calendar year. The BPXA Liberty Development Project will include:

1. Fabrication of a purpose-built drill rig commencing in early 2008;
2. Construction of ice road and hauling of gravel to SDI in winter of 2008/2009;
3. Satellite Drilling Island (SDI) pad expansion in 2009;
4. Upgrade of the West Sag River Bridge infrastructure in 2009;
5. Fabrication and installation of well pad facilities in 2009;
6. Installation of a drilling/construction camp of approximately 160 beds in 2009; and
7. Installation of Rig power module in 2009.

The Service believes that protection measures for polar bears described in BPXA's Field Operating Procedure, Polar Bear Protocol, Attachment III, contains appropriate safeguards to limit human/animal interactions. BPXA field camps and personnel can limit encounters of polar bears by being observant of approaching animals (i.e., the use of polar bear guards) and where practicable, by allowing the animals to pass unhindered. BPXA will provide copies of the polar bear observation form to all BPXA contractors operating under the LOA. Report any polar bear sightings, or signs of polar bears, such as tracks, scat, or diggings, to this office by phone or using the polar bear observation form. Report any possible den locations that are found during work activities immediately to our office. Service biologists are available for consultation if questions or concerns arise during the project period at the phone numbers listed below and noted in your interaction plan.

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Polar bear conservation has benefited from monitoring programs associated with the Incidental Take Program since 1993. Monitoring serves to assess the effect of industrial activities on polar bears by evaluating trends and effects of bear encounter rates, take frequency, as well as the location and timing of encounters. Additionally through monitoring, the Service seeks to limit disturbance to maternal polar bear den sites, both known dens and those areas that could possibly be preferred by denning polar bears. Use caution when operating near these areas during the maternal denning period (mid November to mid April). The U.S. Geological Survey has posted information regarding polar bear denning habitat on the Alaska Science Center (ASC) website, plus associated documents. The den habitat map (ARC/INFO export file), the mapping manuscript (PDF file) and a picture of den habitat (JPG file) are available on the ASC website (<http://www.absc.usgs.gov/dataproducts.htm>). Please use these resources when planning activities in potential denning areas and contact us immediately if any dens are found during oil and gas activities.

As a precondition to the Liberty LOA, on December 10 and 11, 2008 FLIR (Forward Looking Infrared) survey flights were conducted in the Sagavanirktok River delta and along the coastline within the Liberty Project area. The FLIR survey investigated den habitat within a 1-mile envelope along the Liberty Project Area corridor. This survey was a cooperative effort between the BPXA and the Service. No polar bear dens were identified during these surveys within the defined Liberty Project Area. However, there are at least two, and possibly three known polar bear dens in the Sagavanirktok River delta, which are highlighted on an internal BPXA map entitled, "Post-FLIR Bear Locations" (see enclosed map). One-mile exclusion zones will be implemented around each known den to minimize any potential impact of industrial activities.

Furthermore, in accordance with section 7 of the Endangered Species Act of 1973, as amended (ESA), issuance of this LOA also fulfills the requirements for Tier 2 Consultation of the Programmatic Biological Opinion for the activities described herein. In the "Programmatic Biological Opinion for Polar Bears (*Ursus maritimus*) on Beaufort Sea Incidental Take Regulations" (June 2008; Tier 1 BO), the Service determined that the total take anticipated as a result of the issuance of the Regulations is not likely to result in jeopardy to the polar bear, in accordance with section 7 of the ESA. In order for the Tier 2 BO to be consistent with the "no jeopardy" conclusion of the Tier 1 BO and for an ESA incidental take statement (ITS) to be provided: (1) the proposed activity must provide the required information, as described in §18.124 of the Regulations, (2) the LOA must include any mitigation measures that the Service believes appropriate for the specific activity and location, as described in §18.128 of the Regulations, and (3) the Service must determine that the incidental take for the specific activity will be consistent with the negligible impact finding for the total take allowed under the Regulations.

Reasonable and prudent mitigation measures, as well as implementing terms and conditions were included for Service in the Tier 1 BO and have been incorporated into the LOA process. Issuance of this ITS with the LOA completes ESA requirements for authorization of incidental take of the polar bear. Compliance with the terms and conditions of this LOA insures that the LOA holder is also in compliance with the ESA.

An additional requirement of this LOA is for BPXA to provide observational data of polar bears throughout the project and a complete report of all observations at the conclusion of the project to document take. This final report will be provided to the Service. This report meets the tracking and reporting requirements relative to the documentation of take as required by the Marine Mammal Protection Act (MMPA) and the ESA.

In addition, enclosed is a harassment authorization, where BPXA and its representatives are granted authorization to take polar bears by harassment (deterrent activities) for the protection of both human life and polar bears while conducting activities in polar bear habitat in all portions of the BPXA-operated oil fields, including the Liberty Project. This authorization is issued specifically to BPXA is responsible for ensuring that trained and qualified personnel are assigned the task to harass (deter) polar bears. It is the responsibility of BPXA personnel to report all polar bear harassment events to our Marine Mammals Management Office within 24 hours. This authorization is effective for the period, January 1 to December 31, 2009. Intentional take is authorized under sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act.

This authorization is issued in accordance with our regulations listed at 71 FR 43926, dated August 2, 2006. Please review these regulations. Should you have any further questions contact Mr. Craig Perham of our Marine Mammals Management Office at (907) 786-3800 or 786-3810.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Meehan' with a checkmark and the word 'for' written to the right.

Rosa Meehan, Ph.D.  
Chief, Marine Mammals Management

Enclosure

cc: Mr. Richard Shideler, ADF&G  
Fairbanks Fish and Wildlife Field Office (FWFO)  
USFWS Office of Law Enforcement (OLE)  
North Slope Borough Department of Law





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## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

1011 E. Tudor Road  
Anchorage, Alaska 99503-6199



AFES/MMM

ISSUED: January 1, 2009  
EXPIRES: December 31, 2009

### LETTER OF AUTHORIZATION (09-01)

BP Exploration (Alaska), Inc. (BPXA) is hereby authorized to take small numbers of polar bears incidental to activities occurring during activities in association with the 2009 Liberty Development Project. Enclosed is an LOA (09-01) that would allow BPXA to take small numbers of polar bears and walrus incidental to the bathymetry survey to be conducted during the 2009 calendar year. The BPXA Liberty Development Project will include:

1. Fabrication of a purpose-built drill rig commencing in early 2008;
2. Construction of ice road and hauling of gravel to SDI in winter of 2008/2009;
3. Satellite Drilling Island (SDI) pad expansion in 2009;
4. Upgrade of the West Sag River Bridge infrastructure in 2009;
5. Fabrication and installation of well pad facilities in 2009;
6. Installation of a drilling/construction camp of approximately 160 beds in 2009; and
7. Installation of Rig power module in 2009.

These activities are discussed in detail in the, "Request for Letter of Authorization Pursuant to 50 CFR 18, Subpart J and Section 101(A)(5) of the Marine Mammal Protection Act (MMPA) for the Incidental Take of Polar Bears and the Pacific Walrus; and Pursuant to Section 101 (a)(4)A, 109(h) and 112(c) of the MMPA to Take by Harassment (Deterrent Activities) Polar Bears. This Request Covers the Liberty Development Project 2008/2009 Activities," dated November 4, 2008.


This authorization and the required conditions below include contractors of BPXA performing BPXA-approved work under the scope of operations to be conducted. Authorization is subject to the following conditions:

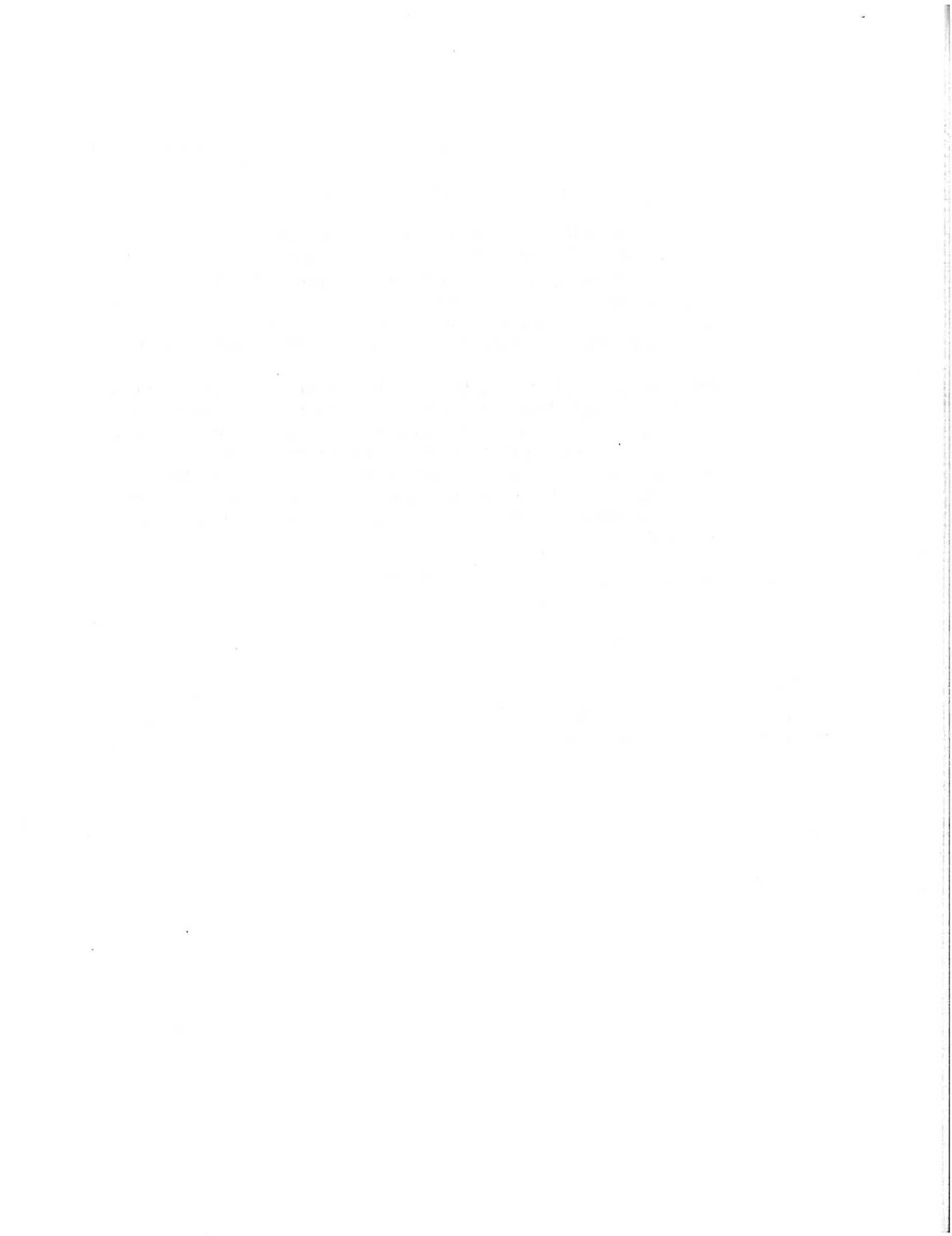
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1. The BPXA Field Operating Procedure, Polar Bear Protocol, Attachment III, and the Polar Bear Awareness and Interaction Plan, Attachment IV, are approved and all provisions must be complied with unless specifically noted otherwise in this Letter of Authorization. A copy of this polar bear interaction plan must be available on site for all personnel.
2. BPXA Operations Managers, or their designates, must be fully aware, understand, and capable of implementing the conditions of this authorization.
3. Intentional take is prohibited under this authorization.
4. This authorization is valid only for those activities identified in the request for a Letter of Authorization dated November 4, 2008.
5. Polar bear monitoring, reporting, and survey activities will be conducted in accordance with 50 CFR 18, section 18.128. The basic monitoring and reporting requirements follow:
  - BPXA must cooperate with the U.S. Fish and Wildlife Service (Service), and other designated Federal, State, or local agencies to monitor the impacts of oil and gas exploration activities on polar bears;
  - BPXA must not conduct activities that operate nor pass within 1 mile of known polar bear dens, and all observed dens must be reported to the Marine Mammals Management Office, Fish and Wildlife Service within 12 hours of initial discovery. Should occupied dens be identified within one mile of activities, work within a one-mile area will cease and Service must be contacted for guidance. The Service will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential actions may range from cessation or modification of work to conducting additional monitoring, and BPXA must comply with any additional measures specified.
  - BPXA will provide copies of the polar bear and walrus observation forms to all BPXA contractors operating under the LOA.
  - BPXA must designate a qualified individual or individuals to report any polar bear sightings, or signs of polar bears, such as tracks, scat, or diggings, to this office by phone or using the polar bear observation form within 24 hours of visual observation;
  - BPXA must allow the Fish and Wildlife Service an observer on the site to monitor the impacts of the activity on polar bears, at the discretion of the Fish and Wildlife Service;

- BPXA must submit an annual monitoring report to the Marine Mammals Management Office as required under 18 CFR 18.128(f), which must be received within 90 days after the expiration date of the LOA.
6. Although no polar bear dens were identified during FLIR surveys (December 10 and 11, 2008) within the defined Liberty Project Area, there are at least two, and possibly three known polar bear dens in the Sagavanirktok River delta, which are highlighted on an internal BPXA map entitled, "Post-FLIR Bear Locations" (see attached map). One-mile exclusion zones will be implemented around each known den to minimize any potential impact of industrial activities.
  7. Per the "Programmatic Biological Opinion for the Beaufort Sea Incidental Take Regulations for Polar Bear (June 2008)", your request also triggers the second of the two-tiered programmatic process. In order for incidental take of the polar bear to be exempted from the prohibitions of the ESA, the LOA also serves as an "Incidental Take Statement" (ITS), required under section 7 of the Endangered Species Act of 1973 (ESA). Issuance of the LOA/ITS fulfills the requirements for Tier 2 Consultation of the Programmatic Biological Opinion for the activities described in this letter.
  8. This authorization expires December 31, 2009.

  
Chief, Marine Mammals Management

  
Date







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### FISH AND WILDLIFE SERVICE

1011 E. Tudor Road  
Anchorage, Alaska 99503-6199



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### U.S. Fish and Wildlife Service

## AUTHORIZATION TO TAKE, BY HARASSMENT, POLAR BEARS

ISSUED: January 1, 2009

EXPIRES: December 31, 2009

Under Sections 101 (a)(4)(A), 109(h) and 112(c) of the Marine Mammal Protection Act of 1972, as amended, BP Exploration (Alaska) Inc. (BPXA) is authorized to take, by harassment, polar bears during production activities in association with the BPXA-operated North Slope oil fields.

The purpose of authorizing taking by harassment, or deterrence, is to maintain human and bear safety and welfare in the North Slope oilfields. Authorizing Level B harassment take reduces the likelihood of death or injury of polar bears. This is accomplished by the following objectives:

1. Prevent bears from associating food with humans and facilities
2. "Train" bears to avoid people
3. Allow bears to use travel routes (natural and man-made) to move along the coast
4. Prevent bears from extended use of areas around facilities
5. Prevent bears from entering the developed parts of the oil field

Harassment authorization is subject to the following conditions:

1. The polar bear interaction plan (The BPXA Polar Bear Interaction Plan for the Operating Units; Revision date December 13, 2007) is approved and all provisions, unless noted specifically, are incorporated into this Letter of Authorization by reference. A copy of the polar bear interaction plan must be available on site for all personnel.
2. BPXA Operations Managers, or their designates, must be fully aware, understand, and capable of implementing the conditions of this authorization.
3. This authorization is restricted to harassment activities.
4. Authorized individuals are responsible for documenting and reporting to the U.S. Fish and Wildlife Service, Marine Mammals Management Office, (907) 786-3800, all

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instances involving harassment activities as soon as possible and not later than 24 hours after the occurrence.

5. This authorization is issued specifically to BPXA who is responsible for ensuring that **trained and qualified** personnel are assigned the task to harass (deter) polar bears.
6. Activities will not operate nor pass within 1 mile of known polar bear dens, and all observed dens will be reported to the Marine Mammals Management Office, Fish and Wildlife Service immediately. Should occupied dens be identified within one mile of activities, work in the immediate area will cease and Service will be contacted for guidance. The Service will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential responses may range from cessation or modification of work to conducting additional monitoring.
7. A final report of all encounters and hazing events must be submitted to the U.S. Fish and Wildlife Service, Marine Mammals Management Office within 60 days from the expiration date of this authorization.
8. Hazing techniques must not cause the injury or death of a bear. Types of hazing techniques may include, but are not limited to:
  - Bear Monitors
  - Air horns
  - Electric fences
  - Chemical repellents
  - Acoustic recordings
  - Vehicles
  - Projectiles, such as cracker shells, bean bags, rubber bullets, and screamers.
9. Prior to conducting a harassment activity, operators must:
  - Make a reasonable effort to reduce or eliminate attractants;
  - Secure site; notify supervisor; move personnel to safety;
  - Ensure bear has escape route(s); and
  - Ensure communication with all personnel.
10. When conducting a harassment activity, operators must:
  - Chose the method that will have the least effect on the bear and increase the intensity of the method or use additional methods only if necessary
  - Shout at the bear before using projectile (avoidance conditioning)
  - Move bear in proper direction; continue with minimally necessary deterrents to receive desired result

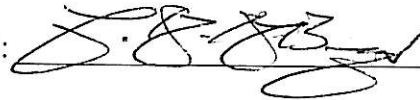
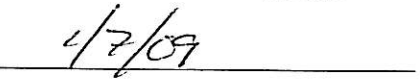
11. After a harassment event has occurred, operators must:

- Monitor bear movement (to ensure no return)
- Notify supervisor and personnel to resume work
- Fill out report to be sent to the Service as required under condition 4 (within 24 hours)

12. This Authorization is valid for the period indicated on this authorization, unless extended or terminated in writing by the U.S. Fish and Wildlife Service, Marine Mammals Management Office.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

A handwritten signature in black ink, appearing to be "J. E. Johnson", written over a horizontal line.A handwritten date "4/7/09" in black ink, written over a horizontal line.

